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July 9, 2008

Via fax
The Office of
The Honorable Andrew Cuomo
Attorney General of the State of New York
120 Broadway
New York, New York 10271
Attention: Juno Turner, Esq.

Castro et al: Spice Place et al
07 cv 4657

Dear Juno:

In your letter of June 24, 2008, you asked me to reschedule the depositions scheduled for July 7 and 8 and asked me for dates when I am available. By letter of July 2, 2008, I informed you that I am available to take the depositions of you and Ms. Brand on July 10, 11, 17 and 18. You also stated that you would seek to have the subpoenas quashed or to have a protective order entered.


The Attorney General's objections to the subpoenas, dated July 7, 2008, are improper to the extent that they object to the production of witnesses for deposition testimony. Under FRCP 45(c)(2)(B), such written objections are proper only as to the production or inspection of documents or things.

Please inform me as to whether you and Ms. Brand will be available for depositions on July 10, 11, 17 and 18, in the event the Court does not quash the subpoenas or grant a protective order. Your testimony is necessary to identify defendants' documents in the Attorney General's possession and to identify other documents which have been created by the Attorney General's office, e.g., affidavits of witnesses including some of our clients.

Thank you for your cooperation.

Best wishes.

Sincerely,



PGEikenberry/rr
cc: Joshua Pepper, Esq.
Robert Lipman, Esq.
Michael Faillace, Esq.